Atty

Horton, Lisa (for Petitioner/Guardian Delia Gonzalez)

(1) First and Final Account and Report of Guardian of the Estate, (2) Petition for Allowance of Attorney's Fees, (3) for Termination of Guardianship of the Estate and (4) Delivery of Assets

Age: 18 years DELIA GONZALEZ, Guardian, is petitioner.	and (4) Delivery of Assets						
Account period: 10/31/12 – 4/15/14 Accounting - \$217,609.50 Beginning POH - \$117,353.88 Ending POH - \$213,847.84 Verified Attorney - \$2,304.25 Inventory (16.05 hours @ \$80 - \$300 per hour for attorney and paralegal time) Not.Cred. V Notice of Hrg V Aff.Mail W/ Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report CI Report Guardian; V 2620(c) Aff. Posting Status Rpt Status Rpt Local Rule 7.6.1. Monetary distributions must be stated in dollars and not as percentages of the estate. The order should specifically state the amount of money to be distributed to the minor after payment of attorney fees and costs. 1. Order does not comply with Local Rule 7.6.1. Monetary distributions must be stated in dollars and not as percentages of the estate. The order should specifically state the amount of money to be distributed to the minor after payment of attorney fees and costs. Petitioner states the minor is now 18 years old and therefore requests the guardianship be terminated. Petitioner requests that the funds held in the blocked account be delivered to Rafael De La Mora. Petitioner prays for an Order: 1. Approving, allowing, and settling the account and report of guardian; 2. Authorizing payment of attorney fees and costs; 3. Terminating the guardianship of the estate; 4. Authorizing all funds remaining delivered to Rafael De La Mora. Reviewed by: KT Reviewed on: 6/25/14 Updates: Recommendation:	Age: 18 years			DELIA GONZALEZ , Guardian, is	NEEDS/PROBLEMS/COMMENTS:		
Cont. from Accounting - \$217,609.50 Beginning POH - \$117,353.88 Ending POH - \$213,847.84 ✓ Verified Attorney - \$2,304.25 (16.05 hours @ \$80 - \$300 per hour for attorney and paralegal time) Not.Cred. ✓ Nofice of Hrg ✓ Aff.Mail W/ Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report ✓ Order Aff. Posting Status Rpt UCCJEA Citation Accounting - \$217,609.50 Beginning POH - \$117,353.88 Ending POH - \$213,847.84 dollars and not as percentages of the estate. The order should specifically state the amount of money to be distributed to the minor after payment of attorney fees and costs. Local Rule 7.6.1. Monetary distributions must be stated in dollars and not as percentages of the estate. The order should specifically state the amount of money to be distributed to the minor after payment of attorney fees and costs. Costs - \$460.50 (filling fee, certified copies) Petitioner states the minor is now 18 years old and therefore requests the guardianship be terminated. Petitioner requests that the funds held in the blocked account be delivered to Rafael De La Mora. Petitioner prays for an Order: 1. Approving, allowing, and settling the account and report of guardians; the account and report of guardianship of the estate: Reviewed by: KT Reviewed on: 6/25/14 Updates: Recommendation:				petitioner.			
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PTC		Inventory		· · · · · · · · · · · · · · · · · · ·	,		
Not.Cred.		PTC			, ,		
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Screen		Conf.		Petitioner requests that the funds held			
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UCCJEA delivered to Rafael De La Mora. Updates: Recommendation:	 		<u> </u>				
Citation Recommendation:	 		<u> </u>				
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2A Atty

Horton, Lisa (for Petitioner/Guardian Delia Gonzalez)

(1) First Account and Report of Guardian, (2) Petition for Allowance of Attorney Fees and Reimbursement of Costs Advanced

Ag	e: 17 years	DELIA GONZALEZ , Guardia	n, is	NEEDS/PROBLEMS/COMMENTS:
		petitioner.		
		Account period: 10/31/12	- 10/30/13	Note: If the petition is granted, status hearings will be set as follows:
Со	nt. from	Accounting -	\$117,523.90	5.
	Aff.Sub.Wit.	1 0 0	\$117,353.88	Wednesday, August 19, 2015 at
✓	Verified	Ending POH -	\$113,657.09	9:00 a.m. in Department 303, for the filing of the final account.
	Inventory	Attorney -	\$1,459.25 (11	
	PTC	hours @ \$80 - \$300 per hou	ır for attorney	Pursuant to Local Rule 7.5 if the
✓	Not.Cred.	and paralegal time)		required documents are filed 10 days
✓	Notice of Hrg	Costs -	\$460.50	prior the date set the status hearing will come off calendar and no
	Aff.Mail	(filing fee, certified copies)		appearance will be required.
	Aff.Pub.	Petitioner prays for an Ord	er:	
	Sp.Ntc.			
	Pers.Serv.	5. Approving, allowing, a	-	
	Conf.	account and report of	-	
	Screen	6. Authorizing payment o fees and costs.	t attorney	
	Letters	iees and cosis.		
	Duties/Supp			
	Objections			
	Video			
	Receipt			
	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 6/25/14
Щ	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 2A – De La Mora

2B

Atty

Status Hearing Re: Receipt of Assets from the Estate

Age: 17 years	DELIA GONZALEZ, paternal aunt, RAFAEL	NEEDS/PROBLEMS/COMMENTS:
	DE LA MORA MARTIN and MARIA DE	
	JESUS GOMEZ MUNOZ, paternal	
	grandparents were appointed	
Cont. from 120613,	guardians of the person on 10/31/12.	Need current written status report
121213, 022114,	DELLA CONTALEZ	pursuant to Local Rule 7.5 which
050214	DELIA GONZALEZ was appointed guardian of the estate on 10/31/12.	states in all matters set for status hearing verified status reports
Aff.Sub.Wit.	godicidit of the estate off 10/31/12.	must be filed no later than 10
Verified	Letters issued on 10/31/12.	days before the hearing. Status
Inventory		Reports must comply with the
PTC	Partial Inventory and appraisal filed on	applicable code requirements.
Not.Cred.	12/18/12 showing a value of \$117,353.88.	Notice of the status hearing, together with a copy of the Status
Notice of	ψ117,000.00.	Report shall be served on all
Hrg	This status hearing was set to inform the	necessary parties.
Aff.Mail	court of the status of the assets to be	, '
Aff.Pub.	received from the estates of the minor's	
Sp.Ntc.	deceased parents Lorena De La Mora and Francisco De La Mora.	
Pers.Serv.	and maneised be ta mora.	
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 6/25/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2B – De La Mora

3

Horton, Lisa (for guardian Delia Gonzalez)

Status Hearing Re: Receipt of Assets from the Estate

Age: 14 years	DELIA GONZALEZ, paternal aunt, RAFAEL	NEEDS/PROBLEMS/COMMENTS:
	DE LA MORA MARTIN and MARIA DE	
	JESUS GOMEZ MUNOZ, paternal	
	grandparents were appointed	
C 100/12	guardians of the person on 10/31/12.	Need current written status report
Cont. from 120613		pursuant to Local Rule 7.5 which
, 121213, 022114, 050214	DELIA GONZALEZ was appointed	states in all matters set for status
	guardian of the estate on 10/31/12.	hearing verified status reports
Aff.Sub.Wit.	10/01/10	must be filed no later than 10
Verified	Letters issued on 10/31/12.	days before the hearing. Status
Inventory	Partial Inventory and Appraisal filed on	Reports must comply with the applicable code requirements.
PTC	Partial Inventory and Appraisal filed on 12/18/12 shows a value of \$117,353.17.	Notice of the status hearing,
Not.Cred.	12/10/12 3110443 a value of \$117,000.17.	together with a copy of the Status
Notice of	This status hearing was set to inform the	Report shall be served on all
Hrg	court of the status of the assets to be	necessary parties.
Aff.Mail	received from the estates of the minor's	, '
Aff.Pub.	deceased parents Lorena De La Mora	Note: The first account was filed and
Sp.Ntc.	and Francisco De La Mora.	is set for hearing on 7/16/14.
		However, the court will still need the
Pers.Serv.		status of the assets to be received
Conf.		from the minor's parents' estates.
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 6/25/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 3 – De La Mora
<u> </u>		3

Atty

Garcia, Robert P. (for Executor Dyanna Matthews)

First Report and Account of Personal Representative and Petition for Approval and **Settlement Thereof**

DOD: 2-23-09		DYANNA MATTHEWS, Executor with Limited	NEEDS/PROBLEMS/COMMENTS:
		IAEA without bond, is Petitioner.	
		Account period: 1-22-13 through 2-28-14	Note: Report of Sale filed 5-16-14 for Court confirmation of the sale of the decedent's
	Aff.Sub.Wit.	Accounting: \$136,986.96 Beginning POH: \$132,706.96	interest in real property is set for hearing on 7-7-14.
>	Verified	Ending POH: \$126,762.88	1 Ballicana da canada da da canada d
~	Inventory	(\$89.88 cash plus Decedent's 2/3 interest in	Petitioner does not address notice to creditors pursuant to
~	PTC	certain real property)	Probate Code §9050 or notice
	Not.Cred. X	g contain roal proporty,	to the various agencies that
~	Notice of Hrg	Petitioner states the decedent owned a 2/3	may be required under
~	Aff.Mail w	=	Probate Code §9202.
	Aff.Pub.	property on Tollhouse Lane in Clovis, which	
	Sp.Ntc.	was occupied by one of the decedent's sons,	Need clarification: It appears from the reconciliation
	Pers.Serv.	Donald Brazeal, as tenant. Petitioner had	schedule that Petitioner
	Conf. Screen	previously been administrator under power of	expended \$5,755.00 of her
-	Letters 1-22-13	attorney of that real property for the	own funds for mortgage and
	Duties/Supp	decedent's benefit, which had been	HOA expenses, and
	Objections	operating at a loss. Upon appointment as	reimbursed herself \$2,670.00
	Video	personal representative, Petitioner continued	and then \$2,700.00, for a total of \$5,370.00. That leaves the
	Receipt	to receive rents and disburse funds for payment of mortgage debt and	amount still owing to
	CI Report	homeowners' association assessments on the	Petitioner as \$385.00. Is this
	9202 X	property, advancing her own personal funds	correct?
	Order X	to make up the operating loss until receipt of the decedent's bank account. Thereafter, receipts were deposited into the estate bank account. Petitioner reimbursed herself for a portion of the advances she had made from the estate checking account until it was	It does not appear that Petitioner sought Court approval for her reimbursement. The Court may require clarification.
		substantially exhausted. The property was vacated in November 2013.	Note: If approved, the Court will set a status hearing for the filing of the final accounting as follows:
		The property had been damaged after the	• Thursday 1-22-15
		decedent's death by an uninsured water leak and had declined in value. Petitioner obtained estimates to restore the property to	If the appropriate documents are filed, the status hearing may be taken off calendar.
	Aff. Posting	marketable condition and listed the house for	Reviewed by: skc
	Status Rpt	sale for \$152,000, 2/3 of which is \$101,333.00.	Reviewed on: 6-24-14
	UCCJEA	Petitioner requests that the first account be	Updates:
Citation		settled, allowed and approved and that all	Recommendation:
	FTB Notice X	acts and proceedings of Petitioner be	File 4 - Brazeal
		confirmed and approved.	
		1	4

5 Atty Atty

Timothy Rybin & Sophia Rybin (GUARD/P)

Case No. 12CEPR00915

Cunningham, Nikole E. (for Former Temporary Guardians Gennadiy Kitsen and Lidia Kitsen) Rybin, Mikhail (Pro Per Father)

Gennadiy and Lidia Kitsen's Motion to Enforce Stipulation and Order for Visitation

			Germaary and Er
			GENNADIY and LI
			Aunt and Uncle, o
			Guardians, are Pe
			Petitioners state t
	A SE C. I. MAPI	ī	stipulation for visit
	Aff.Sub.Wit.		became the orde
~	Verified		Petitioners would
	Inventory		weekend visitatio once every two r
	PTC		father has refused
	Not.Cred.		See petition for d
~	Notice of		
	Hrg		Petitioners reques
~	Aff.Mail	W	motion to enforce
	Aff.Pub.		Order for Visitatio
	Sp.Ntc.		
			Opposition filed b
	Pers.Serv.		(Father) states on
	Conf.		was held in Yolo (
	Screen		Court gave no w
	Letters		signed by the pa
	Duties/Supp		file stamp and wo
~	Objections		Yolo County Cou opportunity for al
	Video		Lidia and Genna
	Receipt		visitation schedul
	CI Report		children.
	9202		
	Order	Χ	On 12-20-13, Fresr
			dismissed the ent
			the Ex Parte Petiti
	A (
	Aff. Posting		On 1-10-14, a cur
	Status Rpt		schedule was mo
	UCCJEA		Court order attac
	Citation		
	FTB Notice		

GENNADIY and LIDIA KITSEN, Maternal Aunt and Uncle, and former Temporary Guardians, are Petitioners.

Petitioners state that pursuant to the stipulation for visitation which later became the order of the court, Petitioners would be entitled to a weekend visitation with the children once every two months. However, the father has refused to permit visitation. See petition for details.

Petitioners request this Court grant their motion to enforce the Stipulation and Order for Visitation.

Opposition filed by Mikhail Rybin (Father) states on 11-22-13, this matter was held in Yolo County Court. The Court gave no weight to the stipulation signed by the parties here, as it had no file stamp and was not a Court order. Yolo County Court gave the opportunity for all parties including Lidia and Gennadiy to structure a visitation schedule suitable to the children.

On 12-20-13, Fresno County Court dismissed the entire action including the Ex Parte Petition for Visitation.

On 1-10-14, a current visitation schedule was made. See Yolo County Court order attached.

NEEDS/PROBLEMS/COMMENTS:

 This probate guardianship action was dismissed pursuant to Minute Order 12-20-13 and pursuant to a stipulation between the parties, and an order thereon, the children were returned to the custody of their father. Petitioners, as former temporary guardians, were granted visitation.

Pursuant to Probate Code §1602, once the children are returned to the parents' custody, any modification to visitation orders for the former guardians shall be addressed in the Family Court.

It appears that there is an existing family law case with current custody and visitation orders between the parents in Yolo County Superior Court.

Petitioners may wish to seek joinder to the existing family law case using the procedure outlined in Probate Code §1602 in order to request enforcement or modification of the exit order made by this Probate Court.

See Probate Code §1602 and corresponding Family Code §3105.

Reviewed by: skc
Reviewed on: 6-24-14
Updates:
Recommendation:
File 5 - Rybin

5

6A Atty

Janisse, Ryan M. (for Rosario R. Forestiere – Administrator)

Amended Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 9-21-12			ROSARIO R. FORESTIERE, Spouse and	NEEDS/PROBLEMS/COMMENTS:	
			named Executor without bond, is	Nata The will is not self proving Detitioner	
			Petitioner.	Note: The will is not self-proving. Petitioner has provided a Declaration from Marvin T.	
			Petitioner was originally appointed as	Helon pursuant to Probate Code §8221	
Co	nt from 042814	,	Administrator with Limited IAEA	attesting as to the handwriting of his father	
052	814, 061914		without bond on 1-3-13 and Letters	Marvin E. Helon, who was one of the subscribing witnesses, as well as a	
	Aff.Sub.Wit.		issued on 1-7-13	Declaration from Rosario Forestiere	
>	Verified			(Petitioner and spouse) attesting as to the	
	Inventory		Petitioner now requests that the	handwriting of the decedent.	
	PTC		decedent's will dated 8-5-65 be admitted to probate and that he be	Note: On 5-7-14, Andre Forestiere filed	
	Not.Cred.		appointed as Executor pursuant to	"Opposition to Petition to Administer	
>	Notice of		the will.	Estate and to Remove and Disqualify	
	Hrg			Administrator/Executor and to Appoint a New Executor." However, this was filed as	
>	Aff.Mail	W	Full IAEA – ok	a new matter rather than an opposition to	
>	Aff.Pub.		Will date d 0 E / E	this petition and was therefore was set for	
	Sp.Ntc.		Will dated 8-5-65	hearing separately. See Page D.	
	Pers.Serv.		Residence: Fresno		
	Conf.		Publication: Petitioner references		
	Screen		publication filed 11-30-12		
~	Letters				
~	Duties/Supp		Value of Estate:		
Objections			1&A filed 3-18-13 indicates a total		
Video			estate value of \$122,000.00		
Receipt			consisting of real property and a vehicle.		
CI Report					
9202			Order Confirming Sale of Real Property filed 1.2.14 indicates that		
✓ Order			Property filed 1-3-14 indicates that the real property was sold for		
	Aff. Posting		\$175,000.00.	Reviewed by: skc	
	Status Rpt		Note: Page C of this calendar is a	Reviewed on: 6-24-14	
	UCCJEA Citation		status hearing set for filing the receipt	Updates: Recommendation:	
	FTB Notice		for blocked account.	File 6A - Forestiere	
	11B NOIICE			The UA - Toteshere	
				4.0	

Wright, Robert S. (for Rosario R. Forestiere – Administrator)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 9-21-12	ROSARIO R. FORESTIERE, Spouse, was	NEEDS/PROBLEMS/COMMENTS:
Cont. from 032114, 042814, 052814 Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report	ROSARIO R. FORESTIERE, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13. At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution. Status Report filed 3-11-14 by Attorney Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.	 NEEDS/PROBLEMS/COMMENTS: Petitioner states the estate is not in a condition to be closed at this time because a will has been discovered and a Petition for Probate of Will is in process. In addition, escrow on the sale of the residence has not yet closed. The Court may require additional information as to the anticipated time frame for close of escrow, filing the petition for probate of will, and then closing the estate. Note: The Petition for Probate of Will filed 3-19-14 is Page A. The Administrator was previously appointed with Limited IAEA without bond. At this time, since the residence has sold for a purchase price of \$175,000.00, the Court may require bond or blocked account going forward.
Order	1	
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 6-24-14
UCCJEA	1	Updates:
Citation	1	Recommendation:
FTB Notice		File 6B – Forestiere

Wright, Robert S. (for Rosario R. Forestiere – Administrator)

Status Hearing Re: Filing of the Receipt for the Blocked Account

Citation Recommendation:	Cont from 052814, 061914 Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA	ROSARIO R. FORESTIERE, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13. On 1-3-14, the Court confirmed the sale of real property at \$175,000.00. At the status hearing on 3-21-14 regarding the filing of the first account or petition for final distribution, it was noted that the estate is not in a condition to close at this time because a will has been found and the Administrator would be filing a petition to admit the will to probate. See Page A. The Court ordered the proceeds from the sale of the property deposited into a blocked account and set this status hearing for filing of the receipt.	Minute Order 6-19-14: The Court authorizes the funds to be transferred to Mr. Janisse's trust account with subsequent placement in a blocked account. Andre Forestiere agrees to service by email and provides email address. The Court orders Mr. Forestiere to provide a permanent mailing address once one is obtained. Continued to 6-26-14. Set on 6-26-14 for Status Re Issues before the Court and objections. Note: Page E is the additional status hearing set by the above minute order. 1. Need receipt for blocked account (MC-356). Reviewed by: skc Reviewed on: 6-24-14 Updates:
II I FIB Notice I			•

6C

Lorraine Ruth Forestiere (Estate)

Forestiere, Andre (Pro Per – Son – Petitioner)

Janisse, Ryan M. (for Rosario R. Forestiere – Administrator – Objector)

Opposition to Petition to Administer Estate and to Remove and Disqualify Administrator/Executor and to Appoint a New Executor

ROSARIO R. FORESTIERE. Spouse, was appointed Administrator on 1-3-13 and has a petition pending to be appointed as Executor of the decedent's will dated 8-5-65 and admit the will to probate. See Page A. Aff. Sub.Wit. Petitioner states Rosario has a conflict of interest and that he, together with other members of his Inventory in the decedent's will dated 8-5-65 and admit the will be admitted by the property before the Court. The Administrator provides facility of a response filed for the see be decedent in an effort to acquire and control the decedent's community property interest in the real property commonly holds. Aff. Mail wrongful conduct. Aff. Pub. Pers. Serv. Conf. Letters Outles/Supp Cl. Report Order X Administrator's Response filed 6-6-14 states this Opposition is little to the decedent was wrongfully addressed under property town before the count of the decedent's state and also alleges that the new executor be directed to understance and the decedent's state, and also alleges that the decedent's existence and that the new executor be directed to understance and molicious conduct merits the imposition of treble damages of the loss to the decedent sestate and punitive damages and that the new executor be directed to understance and the the conduct merits are property before the Court. The Opposition is little more than an attempt by a disgruntled child to interfere with administration of his mother's estate. The allegations, which the Administrator vehemently denies, are irrelevant to the issue before the Court. The Administrator reprovides factual background and requests that the Opposition be denied, that the will be admitted to probate, that the Will b		ANDRE FORESTIERE, Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Aff.Pub. Sp.Ntc. Sp.Ntc. Petitioner requests that the decedent's tilte to the Underground Gardens be restored and that a trust be created to manage her interests therein; that the Court award the trust one half of the revenues and royalties derived from the Gardens since the decedent was wrongfully deprived of her tiltle, that all contracts and leases be declared null and void, and that Rosario's abusive and malicious conduct merits the imposition of treble damages of the loss to the decedents estate and punitive damages and that the new executor be directed to pursue claims against all parties who aided and abetted Rosario's wrongful conduct. Petitioner also requests legal fees. See Declaration, Request for Judicial Notice Administrator's Response filed 6-6-14 states this Opposition is little more than an attempt by a disgruntled child to interfere with administration of his mother's estate. The allegations, which the Administrator vehemently denies, are irrelevant to the issue before the Court. The Opposition further raises a litany of issues that are not properly before the Court. The Administrator provides factual background and requests that the Opposition be denied, that the will be admitted to probate, that the Court deems proper. Aff. Posting Status Rpt UCCJEA Citation FTB Notice Petitioner requests that an an attempt by a disgruntled a Reply on 6-12-14, as well as a transcript of a recording. (Note: Points and Authorities are not summarized in Examiner Notes.)	Verified Inventory PTC Not.Cred. Notice of Hrg	Administrator on 1-3-13 and has a petition pending to be appointed as Executor of the decedent's will dated 8-5-65 and admit the will to probate. See Page A. Petitioner states Rosario has a conflict of interest and that he, together with other members of his family, has engaged in a conspiracy to commit elder abuse upon the decedent in an effort to acquire and control the decedent's community property interest in the real property commonly known as the Underground Gardens, and	Forestiere filed "Opposition to Petition to Administer Estate and to Remove and Disqualify Administrator/Executor and to Appoint a New Executor." It appears this petition is also an opposition to the Administrator's petition to admit the will to Probate at Page A; however, it was filed as a new matter due to the petition included in the request (to
Administrator's Response filed 6-6-14 states this Opposition is little more than an attempt by a disgruntled child to interfere with administration of his mother's estate. The allegations, which the Administrator vehemently denies, are irrelevant to the issue before the Court. The Opposition further raises a litany of issues that are not properly before the Court. THe Administrator provides factual background and requests that the Opposition be denied, that the will be admitted to probate, that the Administrator be appointed as Executor with limited authority, and for all other relief the Court deems proper. Petitioner filed a Reply on 6-12-14, as well as a transcript of a recording. (Note: Points and Authorities are not summarized in Examiner Notes.) not publish, etc. 3. Petitioner requests legal fees; however, Petitioner is self-represented. 4. Notice of Hearing was served on 6-12-14, which did not provide the 15 days' notice required by law. 5. Need order. Reviewed by: skc Reviewed on: 6-24-14 Updates: Recommendation: File 9E - Forestiere	Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202	wrongful conduct. Petitioner requests that the decedent's tilte to the Underground Gardens be restored and that a trust be created to manage her interests therein; that the Court award the trust one half of the revenues and royalties derived from the Gardens since the decedent was wrongfully deprived of her title, that all contracts and leases be declared null and void, and that Rosario's abusive and malicious conduct merits the imposition of treble damages of the loss to the decedents estate and punitive damages and that the new executor be directed to pursue claims against all parties who aided and abetted Rosario's wrongful conduct. Petitioner also requests legal fees. See Declaration,	property that is not an asset of the decedent's estate, and also alleges fraud and elder abuse, which must be addressed under proper authority in civil court. 2. Petitioner requests that a new executor be appointed; however, Petitioner did not file the mandatory Judicial Council form Petition for Probate or Letters of Administration (DE-111), did not serve Notice of Petition to
Citation Petitioner filed a Reply on 6-12-14, as well as a transcript of a recording. (Note: Points and Authorities are not summarized in Examiner Notes.) Recommendation: File 9E - Forestiere File	Status Rpt	Administrator's Response filed 6-6-14 states this Opposition is little more than an attempt by a disgruntled child to interfere with administration of his mother's estate. The allegations, which the Administrator vehemently denies, are irrelevant to the issue before the Court. The Opposition further raises a litany of issues that are not properly before the Court. THE Administrator provides factual background and requests that the Opposition be denied, that the will be admitted to probate, that the Administrator be appointed as Executor with limited authority, and for all other relief the	 Petitioner requests legal fees; however, Petitioner is self-represented. Notice of Hearing was served on 6-12-14, which did not provide the 15 days' notice required by law. Need order. Reviewed by: skc Reviewed on: 6-24-14
	Citation	transcript of a recording. (Note: Points and Authorities are not summarized in Examiner	Recommendation:

Janisse, Ryan M. (for Rosario R. Forestiere – Administrator) Atty Atty

Forestiere, Andre (Pro per Objector)

6E

Status Hearing Re: Issues before Court and Objections

	ROSARIO R. FORESTIERE, Spouse, was	NEEDS/PROBLEMS/COMMENTS:
	appointed as Administrator with Limited	
	IAEA without bond on 1-3-13 and Letters	
	issued on 1-7-13.	
	On 1-3-14, the Court confirmed the sale	
Aff.Sub.Wit.	of real property at \$175,000.00.	
Verified	Addition of the base of the section	
Inventory	At the status hearing on 3-21-14 regarding the filing of the first account	
PTC	or petition for final distribution, it was	
Not.Cred.	noted that the estate is not in a	
Notice of	condition to close at this time because	
Hrg	a will has been found and the	
Aff.Mail	Administrator would be filing a petition	
Aff.Pub.	to admit the will to probate.	
Sp.Ntc.	See Page A.	
Pers.Serv.	The Court ordered the proceeds from	
Conf.	the sale of the property deposited into	
Screen	a blocked account and set status	
Letters	hearing for filing of the receipt.	
Duties/Supp	At the continued status hearing re filing	
Objections	the receipt on 6-19-14, the Court set this	
Video	additional Status Hearing re Issues	
Receipt	before the Court and Objections.	
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 6-24-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 6E - Forestiere

Thomas, Lanier (for Walter Lorenz – Administrator/Petitioner) .

(1) Petition for Settlement of First and Final Account and (2) Final Distribution and (3) for Order Fixing and Allowing Compensation for All Services Rendered

DOD: 10/07/12			WALTER LORENZ, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:		
Cont. from		Account period: 03/29/13 - 05/30/13 Accounting - \$85,000.00			1.	No calculation of the statutory fee is provided in the Petition as required pursuant to CA Rules of Court Rule 7.705.	
✓ ✓	Aff.Sub.Wit. Verified Inventory		Beginning POH Ending POH cash)	-	\$85,000.00 \$74,154.88 (all	2.	No itemization of the requested costs is provided. The Petition does not address notices to the Victim's
✓ ✓	PTC Not.Cred.		Administrator	-	\$3,400.00		Compensation Board or the Franchise Tax Board (Probate
✓ ✓	Notice of Hrg Aff.Mail	w/o	Administrator reim (for expenses incu selling the real pro	rred in n	naintaining and	4.	Code § 9202). Need Order.
	Aff.Pub. Sp.Ntc.	W/O	itemization provid		ser or me estate,		
	Pers.Serv. Conf.		Attorney (statutory)	-	\$3,400.00		
	Screen Letters 03/2 Duties/Supp	9/13	Costs itemization provid	- ed)	\$677.43 (no		
	Objections Video		Closing	-	\$750.00		
	Receipt CI Report		Distribution, pursue	ant to int	estate		
-	9202	Х	succession, is to:				
	Order	Х	Dave Predergast	-	\$11,242.36		
	Aff. Posting		Bonnie Prenderga		\$11,242.36	Re	viewed by: JF
	Status Rpt		Andrew Prenderg		\$11,242.36		viewed on: 06/25/14
	UCCJEA		Timothy Prendergo	ast-	\$11,242.36	_	odates:
	Citation	.,					commendation:
	FTB Notice	Χ				File	e 7 - Lorenz

8

Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioner Barbara A. Berberian)

Petition to Modify Irrevocable Trust

BARBARA A. BERBERIAN, Co-Settlor, is Petitioner. **NEEDS/PROBLEMS/COMMENTS:** (Co-Settlor Richard Berberian is deceased.) Pages 8 through 12 are related trust matters. **Petitioner states:** JOSEPH M. BERBERIAN is the current Trustee of Continued from 5/1/2014. the JOSEPH M. BERARIAN 2012 IRREVOCABLE Cont. from 050114 Minute Order [Judge TRUST and has been since its creation on Aff.Sub.Wit. Chittick] states notice to 12/31/2012 (copy of Trust attached as Exhibit Richard Berberian is Verified A); he is the current lifetime beneficiary of the dispensed with in that he is Trust; his issue are contingent remainder Inventory deceased. Matter beneficiaries of the Trust; **PTC** continued for counsel to Petitioner seeks to modify the Trust, and the provide notice to all parties. Not.Cred. Petitioner, the lifetime Trust beneficiary, and Notice of the Trustee all consent to the proposed **Note:** Notice of Hearing Hrg modification; (signed written consents filed 5/2/2014 shows notice W/ attached as Exhibits B and C); Aff.Mail was mailed 5/2/2014 to all 0 The proposed modification will not impair the interested parties. Aff.Pub. interest of any settlor or beneficiary of the Sp.Ntc. Trust; (copy of proposed modification attached as Exhibit D; copy of the proposed Pers.Serv. Modified Trust attached as Exhibit E); Conf. The proposed modification is necessary to Screen terminate the grantor trust status of the Trust, Letters which currently treats the trust estate as being Duties/Supp owned by Petitioner for federal and state **Objections** income tax purposes; Further, upon terminating the grantor trust Video status of the Trust, it is necessary to modify the Receipt Trust in order to ensure and clarify that the **CI Report** Trust satisfies the requirements of a Qualified 9202 ~Please see additional Subchapter S Trust; Order page~ By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Aff. Posting Reviewed by: LEG Trust requirements; however, to avoid any Reviewed on: $6/24/\overline{14}$ **Status Rpt** uncertainty or issues, Petitioner seeks to **UCCJEA Updates:** formally modify the income distribution Citation **Recommendation:** requirements concurrently with the **FTB Notice** File 8 - Berberian modification of the grantor trust status; Pursuant to Probate Code § 15404(b), if the Settlors and certain, but not all, of the beneficiaries consent, they may compel [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;" ~Please see additional page~

Additional Page 8, Joseph M. Berberian 2012 Irrevocable Trust Case No. 14CEPR00202

Petitioner states, continued:

- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; (signed written consents attached as Exhibits B and C);
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; [Note: currently ascertainable contingent remainder beneficiaries are JOHN MITCHELL BERBERIAN and REBECCA ROSE BERBERIAN, the two minor children of JOSEPH M. BERBERIAN];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, JOSEPH M. BERBERIAN, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that JOSEPH M. BERBERIAN can adequately represent the interests of the contingent remainder beneficiaries:
 - o The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; [Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.]

Petitioner prays for an order modifying the Trust as set forth in Exhibit E attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

<u>Note Re Proposed Order</u>: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **995** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

9 Mary D. Guiragossian 2012 Irrevocable Ranch Trust Case No. 14CEPR00203

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

Petitioners state: MARY D. GUIRAGOSSIAN is the current Trustee of the MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; PTC Not.Cred. Not.Cred. Not.Cred. Notice of Hrg Aff. Pub. Sp.Ntc. Pers.Serv. Conf. Screen Duties/S Objection Video Receipt CI Report Su202 V Order Aff. Posting Status Rpt Status Rpt UCCJEA Citation Petitioners state: MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; and the Petitioners, seek to modify the Trust beneficiary, and the Petitioners, steek ilifetime Trust beneficiary, and the Petitioners, steek in office the proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit E); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon termination			MICHAEL BERBERIAN and BARBARA J. BERBERIAN,	NEEDS/PROBLEMS/COMMENTS:
Cont. from DS0114 Cont. from DS0114 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; her issue are contingent remainder beneficiary, and the Petitioners, the lifetime Trust beneficiary and the Truste all consent to the proposed modification; (signed written consents attached as Exhibits B and C); Aff. Pub. Sp. Ntc. Pers. Serv. Conf. Screen Dutles/S Objection Video Receipt CI Report 9202 Vorder Aff. Posting Status Rpt UCCJEA Citation MARY D. GUIRAGOSSIAN is the current Truste of the Mary D. GuIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current if trust; her issue are contingent remains the Trust, beneficiaries of the Trust; and the Petitioners, seek to modify the Trust; beneficiary, and the Petitioners, seek to modify the Trust; beneficiary and the Petitioners seek to modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit B): The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust; Petitioners seek to modify the Trust; Reviewed by			Co-Settlors, are Petitioners.	
of the MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A): she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B and C); ✓ Aff.Mail ∀/O Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/S Objection Video Receipt CI Report S/1/2014. Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties. Note: Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 shows notice was mailed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all interested parties. Note: Notice of Hearing filed 5/2/2014 to all inte				related trust matters.
Pers.Serv. Conf. Screen Letters Duties/S Objection Video Receipt CI Report 9202 ✓ Order Aff. Posting Status Rpt UCCJEA Citation Attached as Exhibit E); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Truste et o satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Please see additional pages attached as Exhibit E); The proposed modification is necessary to to terminate the grantor trust status of the Trust, which currently trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status the Trust and clarify that the Trust status the Trust may be modified by the Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Reviewed on: 6/24/14 Updates: Recommendation:	<u>√</u>	Aff.Sub.W Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub.	 MARY D. GUIRAGOSSIAN is the current Trustee of the MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B and C); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as 	Continued from 5/1/2014. Minute Order [Judge Chittick] states notice to Richard Berberian is dispensed with in that he is deceased. Matter continued for counsel to provide notice to all parties. Note: Notice of Hearing filed 5/2/2014 shows notice was mailed 5/2/2014 to all
The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Objection Video Receipt CI Report 9202 ✓ Order Aff. Posting Status Rpt UCCJEA Citation The proposed modification is necessary to terminate the grantor trust status of the Trust status of the Trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Please see additional pages Recommendation:				
terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Objection Video Receipt CI Report 9202 Vorder Aff. Posting Status Rpt UCCJEA Citation terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; *Reviewed on: 6/24/14 Updates: Recommendation:		! !	· · · · · · · · · · · · · · · · · · ·	
Letters			· · ·	
Duties/S Objection Video Receipt Status Rpt Order Order Order Status Rpt UCCJEA Citation Classific and status		l	-	
Duties/S income tax purposes;			,	
Video status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified 9202 Subchapter S Trust; Y Order By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Reviewed by: LEG UCCJEA UCCJEA Citation Reviewed on: 6/24/14 Updates: Recommendation:		· · · · · · · · · · · · · · · · · · ·	,	
Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified 9202			·	
Satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Please see additional page satisfies the requirements of a Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Reviewed by: LEG Updates: Recommendation:				
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Additional Page 9, Mary D. Guiragossian 2012 Irrevocable Ranch Trust Case No. 14CEPR00203

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlors and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; (signed written consents attached as Exhibits B and C);
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; [Note: currently ascertainable contingent remainder beneficiaries are JOHN V. GUIRAGOSSIAN and ANNA M. GUIRAGOSSIAN, the two minor children of MARY D. GUIRAGOSSIAN];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code §
 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed
 modification for the following reasons:
 - o The interests of the current beneficiary, **MARY D. GUIRAGOSSIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **MARY D. GUIRAGOSSIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlors, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in Exhibit E attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of §15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of Schedule A, below the statement of trust assets consisting of 120 shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

10 Susan M. Brown 2012 Irrevocable Ranch Trust

Case No. 14CEPR00204

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		MICHAEL BERBERIAN and BARBARA J. BERBERIAN,	NEEDS/PROBLEMS/COMMENTS:
		Co-Settlors, are Petitioners.	Pages 8 through 12 are
		Petitioners state:	related trust matters.
		SUSAN M. BROWN is the current Trustee of the	Continued from 5/1/2014.
Co	nt. from 050114	SUSAN M. BROWN 2012 IRREVOCABLE RANCH	Minute Order [Judge
	Aff.Sub.W	TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit	Chittick] states notice to
./	Verified	A); she is the current lifetime beneficiary of the	Richard Berberian is
Ė	Inventory	Trust; her issue are contingent remainder	dispensed with in that he is
	Inventory	beneficiaries of the Trust;	deceased. Matter
	PTC	 Petitioners seek to modify the Trust, and the 	continued for counsel to
	Not.Cred.	Petitioners, the lifetime Trust beneficiary, the	provide notice to all parties.
✓	Notice of	ascertainable contingent beneficiaries of the	Note: Pursuant to Probate
	Hrg W	Trust, and the Trustee all consent to the	Code § 17201, Petition does
✓	Aff.Mail W //O	proposed modification; (signed written consents attached as Exhibits B, C, D, E and F);	not but should state the names and addresses of
	Aff.Pub.	The proposed modification will not impair the	each person entitled to
	Sp.Ntc.	interest of any settlor or beneficiary of the Trust;	notice of the Petition.
	Pers.Serv.	(copy of proposed modification attached as	However, Proof of Service
	Conf.	Exhibit G; copy of the proposed Modified Trust	by Mail filed 3/17/2014
	Screen	attached as Exhibit H);	shows all persons entitled to
	Letters	 The proposed modification is necessary to terminate the grantor trust status of the Trust, 	notice (including
	Duties/\$	which currently treats the trust estate as being	ascertainable contingent remainder beneficiaries)
	Objection	owned by Petitioners for federal and state	pursuant to Probate Code
	Video	income tax purposes;	§§ 15804(a) and
	Receipt	Further, upon terminating the grantor trust	17203(a)(2) were mailed
	CI Report	status of the Trust, it is necessary to modify the	notice on 3/14/2014.
	9202	Trust in order to ensure and clarify that the Trust	
√	Order	satisfies the requirements of a Qualified Subchapter S Trust;	
	Aff.	By its terms, the Trust may be modified by the	Reviewed by: LEG
	Posting	Trustee to satisfy the Qualified Subchapter S	-
	Status Rpt	Trust requirements; however, to avoid any	Reviewed on: 6/24/14
	UCCJEA	uncertainty or issues, Petitioners seek to formally modify the income distribution requirements	Updates:
	Citation	concurrently with the modification of the	Recommendation:
	FTB Notice	grantor trust status;	File 10 - Brown
		~Please see additional page~	
			10

Additional Page 10, Susan M. Brown 2012 Irrevocable Ranch Trust Case No. 14CEPR00204

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlors and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult contingent remainder beneficiaries of the Trust have consented to the proposed modification;
- The remaining contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of persons not yet in being (i.e., the issue of Susan M. Brown and/or the issue of any of the adult contingent remainder beneficiaries); [Note: currently ascertainable contingent remainder beneficiaries are MICHAEL P. BROWN, ADAM K. BROWN, and DAVID J. BROWN, the three adult children of SUSAN M. BROWN];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code §
 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed
 modification for the following reasons:
 - o The interests of the current beneficiary, **SUSAN M. BROWN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **SUSAN M. BROWN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlors, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in Exhibit H attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of §15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

<u>Note Re Proposed Order</u>: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **120** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

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Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioner Barbara A. Berberian)

Petition to Modify Irrevocable Trust

Co-Settlor Richard Berberian is deceased. Petitilioner states: ERIN BERBERIAN GLEASON is the current Trustee of the ERIN BERBERIAN GLEASON 2012 RREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust affached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust. Notice of Hrg		BARBARA A. BERBERIAN, Co-Settlor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Petitioner states: ERIN BERBERIAN GLEASON is the current Trustee of the ERIN BERBERIAN GLEASON 2012 (RREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Notice of Hrg Aff.Mail W/O Aff.Mail O/O Aff.Pub. Sp.Ntc. • Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, and the Petitioner; (signed written consents attached as Exhibits B, C, and D); Sp.Ntc. • The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification of attached as Exhibit E; copy of the proposed Modified Trust attached as Exhibit F); Duties/Supp Objections Video Receipt Further, upon terminating the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; CI Report Further, upon terminating the grantor trust status of the Trust, in order to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to satisfies the requirements of a Qualified Subchapter S Trust; Pago2 Further, upon terminating the grantor trust status of the Trust, in order to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to satisfy the Qualified Subchapter S Trust; Pagion Proposed Trust attached as Exhibit F); Propher varience of the Reviewed Driver on the Proposed Modified Trust attached as Exhibit F); Fighton Proposed Modified Trust attached as Exhibit F); Trust requirements to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to ensure and clarify that the Trust in order to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify th		(Co-Settlor Richard Berberian is deceased.)	Pages 8 through 12 are
Cont. from 050114 Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report Aff. Posting Status Rpt Trustee of the ERIN BERBERIAN GLEASON 2012 IRREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibit B, C, and D); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed Modified Trust attached as Exhibit F); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, and the Petitioner for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, which currently treats the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trust equirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status;		Petitioner states:	
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Inventory	✓ verified	•	
PTC	Inventory	· ·	The state of the s
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 CI Report 9202 ✓ Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice FTB Notice Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the status of the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; 	Video	-	
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status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; Status Rpt UCCJEA Citation FTB Notice status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Status of the Trust, it is necessary to modify the Trust the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Reviewed by: LEG Reviewed by: LEG Reviewed by: LEG Reviewed on: 6/24/14 Updates: Recommendation: File 11 - Gleason	CI Report		
 ✓ Order Aff. Posting Status Rpt UCCJEA Citation FTB Notice Irust in order to ensure and clarity that the Trust satisfies the requirements of a Qualified Subchapter S Trust; Reviewed by: LEG Reviewed on: 6/24/14 Updates: Recommendation: File 11 - Gleason 		,	
Aff. Posting Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Reviewed by: LEG Reviewed on: 6/24/14 Updates: Recommendation: Recommendation: File 11 - Gleason File		·	
Status Rpt UCCJEA Citation FTB Notice By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Reviewed on: 6/24/14 Updates: Recommendation: File 11 - Gleason	V		Beviewed by LCC
UCCJEA Citation FTB Notice Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status;		<u> </u>	·
Citation FTB Notice Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the		, , , , , , , , , , , , , , , , , , , ,	
FTB Notice uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status;		· · · · · · · · · · · · · · · · · · ·	•
formally modify the income distribution requirements concurrently with the modification of the grantor trust status;		· · · · · · · · · · · · · · · · · · ·	
modification of the grantor trust status;	FTB Notice	formally modify the income distribution	File 11 - Gleason
		· · · · · · · · · · · · · · · · · · ·	
~Please see additional page~		modification of the grantor trust status;	
		~Please see additional page~	

Additional Page 11, Erin Berberian Gleason 2012 Irrevocable Trust Case No. 14CEPR00205

Petitioner states, continued:

- Pursuant to Probate Code § 15404(b), if the Settlors and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult remainder beneficiary of the Trust, have consented to the proposed modification; (signed written consents attached as Exhibits B, C, and D);
- The remaining contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being (i.e., the issue of ERIN BERBERIAN GLEASON, and/or the issue of Settlor's son, JOSEPH M. BERBERIAN). [Note: current adult contingent remainder beneficiary is JOSEPH M. BERBERIAN, and the currently ascertainable contingent remainder beneficiaries are his two minor children, JOHN MITCHELL BERBERIAN and REBECCA ROSE BERBERIAN];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code §
 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed
 modification for the following reasons:
 - o The interests of the current beneficiary, ERIN BERBERIAN GLEASON, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that ERIN BERBERIAN GLEASON and the adult remainder beneficiary, JOSEPH M. BERBERIAN, can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; [Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.]

Petitioner prays for an order modifying the Trust as set forth in Exhibit F attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of §15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of Schedule A, below the statement of trust assets consisting of 995 shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

12 Patricia A. Berberian 2012 Irrevocable Ranch Trust Case No. 14CEPR00206

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		MICHAEL BERBERIAN and BARBARA J. BERBERIAN,	NEEDS/PROBLEMS/COMMENTS:
		Co-Settlors, are Petitioners.	Pages 8 through 12 are
		Petitioners state:	related trust matters.
		PATRICIA A. BERBERIAN is the current Trustee of	Continued from 5/1/2014.
Со	ont. from 050114	the PATRICIA A. BERBERIAN 2012 IRREVOCABLE	Minute Order (Judge
	Aff.Sub.W	RANCH TRUST and has been since its creation	Chittick] states notice to
./	Verified	on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary	Richard Berberian is
Ě		of the Trust; her issue are contingent remainder	dispensed with in that he is
	Inventory	beneficiaries of the Trust;	deceased. Matter
	PTC	 Petitioners seek to modify the Trust, and the 	continued for counsel to
	Not.Cred.	Petitioners, the lifetime Trust beneficiary, and	provide notice to all parties.
✓	Notice of	the Trustee all consent to the proposed	Note: Notice of Hearing
_	Hrg	modification; (signed written consents	filed 5/2/2014 shows notice
✓	Aff.Mail W //O	attached as Exhibits B and C);The proposed modification will not impair the	was mailed 5/2/2014 to all
	Aff.Pub.	 The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; 	interested parties.
	Sp.Ntc.	(copy of proposed modification attached as	
	Pers.Serv.	Exhibit D; copy of the proposed Modified Trust	
	Conf.	attached as Exhibit E);	
	Screen	 The proposed modification is necessary to 	
	Letters	terminate the grantor trust status of the Trust,	
	Duties/S	which currently treats the trust estate as being	
	Objection	owned by Petitioners for federal and state income tax purposes;	
	Video	 Further, upon terminating the grantor trust 	
	Receipt	status of the Trust, it is necessary to modify the	
	CI Report	Trust in order to ensure and clarify that the Trust	
	9202	satisfies the requirements of a Qualified	
1	Order	Subchapter S Trust;	
$\stackrel{\checkmark}{\vdash}$		By its terms, the Trust may be modified by the Trust on to satisfy the Ouglified Subabantar S	Parisana di bandisi
	Aff.	Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any	Reviewed by: LEG
	Posting Status Bot	uncertainty or issues, Petitioners seek to formally	Poviowed on: //04/14
	Status Rpt	modify the income distribution requirements	Reviewed on: 6/24/14
	UCCJEA Citation	concurrently with the modification of the	Updates: Recommendation:
	FTB Notice	grantor trust status;	File 12 – P. Berberian
	FID NOIICE	- Plages soo additional pages	riie 12 - F. Dei Deilan
		~Please see additional page~	
			12

12

Additional Page 12, Patricia A. Berberian 2012 Irrevocable Ranch Trust Case No. 14CEPR00204

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlors and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification;
- The contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of minors and persons not yet in being; [Note: currently ascertainable contingent remainder beneficiaries are ELIZABETH M. MILLER, and ALEXANDRA N. MILLER, the two minor children of PATRICIA A. BERBERIAN];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code §
 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed
 modification for the following reasons:
 - o The interests of the current beneficiary, **PATRICIA A. BERBERIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **PATRICIA A. BERBERIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - o The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlors, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in Exhibit E attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of §15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of **120** shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

13

Wright, Judith A., of Wright & Wright (for Petitioner Neil Walden, Trustee)

Petition to Appoint Successor Trustee

			NEIL WALDEN, Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
			 Petitioner states: Petitioner was appointed Successor Trustee of the Trust by the BRIM J. CARTER AND JUNE A. CARTER REVOCABLE LIVING TRUST dated 9/30/1997 to serve upon the disability or death of BRIM J. 	
Со	nt. from	I	CARTER and JUNE A. CARTER (copy of Trust attached as Exhibit	
1	Aff.Sub.Wit.		A); Petitioner accepted the office of Successor Trustee on 12/18/2013; (Petitioner's name was misspelled in the Trust;	
H	Inventory		attached as Exhibit B is a letter from Mr. Tahajian documenting	
	Inventory PTC		that Neil Waldrum and Neil Walden are one in the same person;)	
	_		BRIM J. CARTER was found to meet the definition of incapacity	
	Not.Cred.		by documentation provided by his attending physicians dated	
✓	Notice of Hrg		11/22/2013 and 11/28/2013; (copies attached as Exhibit C);	
	Aff.Mail	W/	JUNE A. CARTER was found to meet the definition of incapacity by documentation provided by her attending physicians	
✓		,	dated 10/21/2013 and 11/5/2013 (copies attached as Exhibit	
	Aff.Pub.		C);	
	Sp.Ntc.		 Trust terms provide that should both BRIM J. CARTER and JUNE A. CARTER become disabled and fail to serve, Petitioner was to 	
	Pers.Serv.		serve as sole Successor Trustee;	
	Conf.		• If Petitioner fails to serve, then NORTHERN TRUST BANK was to	
	Screen		serve in his place; Declination of NORTHERN TRUST BANK to	
	Letters		 serve is attached as Exhibit D; As a result, there is no successor trustee to Petitioner; 	
	Duties/Supp		Due to the nature of the disability of BRIM J. CARTER and JUNE	
	Objections		A. CARTER, Trust administration may continue for a number of	
	Video		years; Petitioner believes it is in the best interest of future trust administration to have a successor trustee in place;	
	Receipt		 Petitioner requests the Court appoint SHIRLEY L. PAUL, daughter 	
	CI Report		of BRIM J. CARTER and JUNE A. CARTER, to serve as his sole	
	9202		successor trustee without bond (consent to serve attached as	
✓	Order		 Exhibit E); SHIRLEY L. PAUL is familiar with the family business; prior to the 	
	Aff. Posting		date of her parent's incapacity, she was active in the	Reviewed by: LEG
	Status Rpt		administration of the business, and since her parents' disability,	Reviewed on:
	IICC IF A		she has agreed to and is serving as the Secretary and Chief	6/24/14
	UCCJEA		Financial Officer of the family's business; • Petitioner believes that SHIRLEY L. PAUL'S appointment as his	Updates: Recommendation:
\vdash	Citation ETP Notice		successor trustee is in the best interest of the trust and of those	File 13 - Carter
	FTB Notice		persons interested in the trust.	rile 13 - Carlei
			Petitioner requests that the Court appoint SHIRLEY L. PAUL to serve as sole Successor Trustee without bond should NEIL WALDEN fail to	
			serve for any reason.	

14 Atty

Setrakian, Philip S. (for Connie Hamlin – Petitioner – Daughter)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

	D 04/04/004	1	C. 0002, 10-30)			NIEEDO (DD O DI ELIO (O O LANAENIEO
DC	D: 04/01/2014		CONNIE HAMLIN, da	•		NEEDS/PROBLEMS/COMMENTS:
			petitioner and reque			
			as Administrator with	nout bond	d.	
	mt from 0/001	4	All heirs waive bond			
<u> </u>	nt. from 06091	4				
	Aff.Sub.Wit.		Full IAEA – o.k.			
1	Verified					
È			Decedent died intes	state		
	Inventory					Note: If the petition is granted status
	PTC		Residence: Caruther			hearings will be set as follows:
	Not.Cred.		Publication: The Busir	ness Jour	nal	• Wodnordey 11/04/0014 ~-
1	Notice of					• Wednesday, 11/26/2014 at
`	Hrg		Estimated value of th			9:00a.m. in Dept. 303 for the filing
1	Aff.Mail	w/	1 1 /		20,000.00	of the inventory and appraisal
_		,		•	50,000.00	<u>and</u>
	Aff.Pub.		Total ·	- \$1	70,000.00	 Wednesday, 08/26/2015 at
	Sp.Ntc.		Probate Referee: Ric	sk Smith		9:00a.m. in Dept. 303 for the filing
	Pers.Serv.		Trobale Releiee. Ric	K SIIIIII		of the first account and final
	Conf.					distribution.
	Screen					asinconori.
1	Letters					Pursuant to Local Rule 7.5 if the required
	D 1: /6					documents are filed 10 days prior to the
✓	Duties/Supp					hearings on the matter the status
	Objections					hearing will come off calendar and no appearance will be required.
	Video					appearance will be required.
	Receipt					
	CI Report					
	9202					
✓	Order					
	Aff. Posting					Reviewed by: LV
	Status Rpt					Reviewed on: 06/24/2014
	UCCJEA					Updates:
	Citation					Recommendation: Submitted
	FTB Notice					File 14 - Ash
						1.4

Flanigan, Philip M. (for John F. Schardt – Successor Trustee – Petitioner)

Petition for Order Confirming Successor Trustee and Trust Assets

Fred W. Schardt JOHN F. SCHARDT. Successor Trustee, is NEEDS/PR			
DOD: 1-17-99		JOHN F. SCHARDT, Successor Trustee, is	NEEDS/PROBLEMS/COMMENTS:
Elizabeth C. Hiemforth		Petitioner.	
	a Elizabeth Schardt	Petitioner states the decedent, ELIZABETH C.	
ВО	D: 9-29-13	HIEMFORTH, aka ELIZABETH SCHARDT, died	
		9-29-13. Decedent's first husband, Fred W.	
		Schardt, died 1-17-99. Decedent later married	
		Clifford W. Hiemforth, pursuant to a premarital	
	Aff.Sub.Wit.	agreement dated 11-14-03.	
~	Verified	=	
	Inventory	Decedent and Fred W. Schardt created the	
	PTC	Fred W. Schardt Family Trust on 3-3-89, and	
		Elizabeth signed an amendment on 6-21-06.	
	Not.Cred.	=	
~	Notice of	Petitioner requests this Court confirm that the	
	Hrg	assets set forth in Exhibit B are deemed assets of	
~	Aff.Mail w	the trust and under Petitioner's control as	
	Aff.Pub.	trustee. Petitioner believes these assets are	
	Sp.Ntc.	subject to his control as trustee as part of the	
	Pers.Serv.	trust declaration or as validly transferred and	
	Conf.	assigned under the general transfer and	
	Screen	assignment contained in the trust agreement.	
	Letters	Under the General Assignment, the trustors	
	Duties/Supp	expressly stated their intent to transfer all assets	
		to the trust. See <u>Estate of Heggstad</u> , §15200.	
	Objections	<u> </u>	
	Video	Specifically, Petitioner requests to confirm the	
-	Receipt	following assets: RBC Wealth Management	
	CI Report	Account xx991 and USAA Investment	
	9202	Management Account xx230, and provides the	
~	Order	history of the accounts. Page 2 for details.	
	Aff. Posting		Reviewed by: skc
	Status Rpt	Petitioner states it was Decedent's intent	Reviewed on: 6-25-14
	UCCJEA	pursuant to the terms of the trust, her will, and	Updates:
	Citation	also her premarital agreement, that her assets	Recommendation:
	FTB Notice	be distributed pursuant to the terms of the trust.	File 15 - Schardt
		Petitioner prays for an order that:	
		1. The FRED W. SCARDT FAMILY TRUST under	
		Trust agreement dated 3-3-89 is in	
		existence;	
		2. The assets set forth on Exhibit B are	
		subject to Petitioner's control as	
		successor trustee thereof; and	
		3. For such other and further relief as the	
		Court may deem just and proper.	
1	l l	and his best and bis best	

Page 2

History of Accounts:

In addition to the General Assignment, the Trust's Schedule A (dated 3-3-89) lists the following account:

Stock Account at A.G. Edwards & Sons, Inc., Acct. No. xx025, containing specific stocks.

Petitioner states:

- In 1994, the assets from the AG Edwards account were transferred into a new account opened with RPR Clearing Services.
- In 1996, the assets from RPR Clearing Services were transferred into a new account opened with AmeriTrade.
- The assets transferred into the AmeriTrade account were deposited into an account with Jones & Associates Capital Management, which later became Coastal Discount Stockbrokers.
- In 2003, when Decedent signed her premarital agreement with Clifford Hiemforth, the premarital agreement listed the account with Coastal Discount Stockbrokers as Decedent's asset.
- Coastal Discount Stockbrokers was sold to Ferris Baker Watts, and in 2004, an account was opened under the name of "Elizabeth Hiemforth" with the assets from the Coastal Discount Stockbrokers.
- Finally, Ferris Baker Watts was sold to RBC Wealth Management, where the assets now reside.

Petitioner states the RBC Wealth Management account should be deemed an asset of the trust, in that the account changed name, but assets remained the same over time from the original account with AG Edwards & Sons, Inc., to the current account with RBC Wealth Management.

Additionally, the Decedent listed an account with USAA Investment Management Company as her asset on the 2003 premarital agreement. Petitioner states the Decedent titled the account as "Elizabeth C. Hiemforth Trust," an entity which, to Petitioner's knowledge, does not exist, but which demonstrates a declaration by Decedent that she held the property as trustee, manifesting her intent to create a trust.

Under the terms of Decedent's will, the residue of her estate is to distribute to the Fred W. Schardt Family Trust. Given that Decedent listed this account as part of her existing estate in her premarital agreement, mistakenly titled in the name of a nonexistent trust, and given the general assignment and the disposal of the residue of her estate to the trust pursuant to her will, Petitioner asserts that the USAA Investment Management Account should also be deemed an asset of the trust.

Atty Shepard, Jeff S. (for Eiko li – Petitioner – Surviving Spouse)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

	Spousal or Domestic Partner Property Petition (Prob. C. 13650)					
DC	D: 08/31/2013		EIKO II, surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:		
Co	nt. from Aff.Sub.Wit.		No other proceedings. Decedent died intestate. Petitioner states decedent and	Petition does not set forth enough facts for the Court to determine that it is indeed community property. Attachment 7 does not set forth the following:		
✓	Verified		petitioner were married on 04/11/1975, in Las Vegas, Nevada. All property	 The date the property was acquired. 		
-	Inventory		taxes, insurance and maintenance	That all the property the		
-	PTC Not.Cred.		has been paid with community funds. All income received from the property	petitioner is asking to pass was acquired during the		
✓	Notice of Hrg		has been reported on join income tax returns and any income taxes have	marriage using community property funds and was		
✓	Aff.Mail	w/	been paid with community funds.	not received by gift, devise or bequest.		
	Aff.Pub.		Petitioner requests confirmation that	·		
	Sp.Ntc.		the property located at 4198 E. Manning Ave Fowler, Ca pass to Eiko Ii.			
	Pers.Serv.		Marifully Ave Fowler, Ca pass to Like II.			
	Conf. Screen					
	Letters					
	Duties/Supp					
	Objections					
	Video Receipt					
	CI Report					
	9202					
✓	Order					
	Aff. Posting			Reviewed by: LV		
	Status Rpt			Reviewed on: 06/24/2014		
-	UCCJEA			Updates:		
	Citation FTB Notice			Recommendation: File 16 - Haruo		
L	I ID HOICE			THE 10 - Haloo		

Peggy Toshimi Nakamoto (Det Succ)
Salazar, Steven F (for Janis Nakamoto Sera – Petitioner – Daughter)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10/13/2013			JANIS NAKAMOTO SERA, TOBY DEAN	NEEDS/PROBLEMS/COMMENTS:
F	<i>D</i> . 10/10/2010		NAKAMOTO and SHARON KAY KAYO	NEEDS/TROBLEMS/COMMENTS.
-			NAKAMOTO SALDANA, children, are	1. Inventory and Appraisal appears
l 			petitioners.	to be a copy. Need Original.
	nt. from			
<u> </u>	Aff.Sub.Wit.		40 days since DOD.	
			No other proceedings	
✓	Verified		The office proceedings	
	Inventory		I & A - \$140,000.00	
	PTC			
	Not.Cred.		Will dated: 09/08/2006 devises all	
1	Notice of		property pass to Janis Nakamoto Sera,	
	Hrg		Toby Dean Nakamoto and Sharon Kay Kayo Nakamoto Saldana.	
✓	Aff.Mail	w/	Rayo Nakamoro Saladna.	
	Aff.Pub.		Petitioners request Court	
	Sp.Ntc.		determination that decedent's 100%	
	Pers.Serv.		interest in real property located at 2977 E. Holland Ave. Fresno, Ca. pass	
	Conf.		1/3 rd to Janis Nakamoto Sera, 1/3 rd to	
	Screen		Toby Dean Nakamoto and 1/3 rd to	
	Letters		Sharon Kay Kayo Nakamoto Saldana	
	Duties/Supp		pursuant to decedent's will.	
	Objections			
	Video			
-	Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 06/25/2014
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 17 - Nakamoto

Atty

18

Lyon, Paul J., sole practitioner (for Petitioners George M. Smith and Michelle J. Smith)

Petition for Appointment of Limited Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

	(110b. C. 1020, 1021, 2000-2002)	
Age: 26 years	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	GEORGE M. SMITH and MICHELLE JO SMITH, parents, are Petitioners and request	OFF CALENDAR
Cont. from	appointment as Limited Co-Conservators	First Amended Petition for
Aff.Sub.Wit.	of the Person. (Medical consent powers not requested.)	Appointment of Limited Probate
Verified	norrequesica.	Conservator was filed 6/9/2014,
Inventory		and is set for hearing on
PTC		7/10/2014.
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order Aff Posting		Poviowed by: LEC
Aff. Posting Status Rpt		Reviewed by: LEG Reviewed on: 6/24/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 18 - Smith

Atty Lyon, Paul J., sole practitioner (for Petitioners George M. Smith and Michelle J. Smith)

Petition for Appointment of Limited Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 23 years	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Age. 20 yeurs	I NO ILMI ORAKI KEQUESIED	INLEDS/I ROBLEMS/COMMENTS.
	GEORGE M. SMITH and MICHELLE JO SMITH, parents, are Petitioners and	OFF CALENDAR
Cont. from	request appointment as Limited Co- Conservators of the Person. (Medical	First Amended Petition for
Aff.Sub.Wit.	consent powers not requested.)	Appointment of Limited Probate
Verified	1 ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	Conservator was filed 6/9/2014,
Inventory	1	and is set for hearing on 7/10/2014.
PTC	1	//10/2014.
Not.Cred.		
Notice of	1	
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp	 -	
Objections	=	
Video Receipt		
CI Report	=	
9202	=	
Order	=	
Aff. Posting	1	Reviewed by: LEG
Status Rpt	1	Reviewed on: 6/24/14
UCCJEA	1	Updates:
Citation]	Recommendation:
FTB Notice		File 19 - Smith

Atty Matlak, Steven M.

Status Hearing Re: Filing of the Bond

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR
Cont. fro	m	Bond filed 5-30-14
Aff.Su	ub.Wit.	
Verifi	ied	
Inver	ntory	
PTC		
Not.0	Cred.	
Notic	e of	
Hrg		
Aff.M	\ail	
Aff.P	ub.	
Sp.N	tc.	
Pers.	Serv.	
Conf		
Scree	en	
Lette	rs	
Dutie	es/Supp	
Obje	ections	
Vide		
Rece	eipt	
CI Re	eport	
9202		
Orde		
	osting	Reviewed by: skc
	s Rpt	Reviewed on: 6-25-14
UCC.		Updates:
Citat		Recommendation:
FTB N	lotice	File 20 - Rudd

Atty Atty George Joaquin Galvan (Estate)

Cowin, Michael D. (Pro Per Petitioner)

Cowin, Daniel Ray (Pro Per Petitioner)

First Amended Petition for Probate of Will and for Letters Testamentary

First Amended Petition for Probate of Will and for Letters Testamentary						
Co	nt. from 031314 0114 Aff.Sub.Wit. Verified Inventory PTC Not.Cred.	4,	MICHAEL D. COWIN and DANIEL RAY COWIN, named Co-Executors without bond, are Petitioners. Full IAEA – ok Will dated: 3-19-04 Residence: Clovis Publication – Business	NEEDS/PROBLEMS/COMMENTS: Note: Michael Cowin previously filed a Petition for Probate of Will requesting to be appointed as Executor alone. At hearing on 1-23-14, Daniel Cowin, the other named coexecutor, appeared. The parties were directed to participate in mediation. At hearing on 1-27-14, Michael Cowin's petition was denied without prejudice and the Court directed that an amended petition be filed and no republication be required. Note: Michael Cowin's original petition was originally published for the hearing date of 1-23-14. However, the hearing date for this amended petition for appointment of Michael Cowin and Daniel Cowin has not been published pursuant to the Court's minute order of 1-27-14.		
>	Notice of Hrg Aff.Mail	W	Journal Estimated Value of the	Continued from 3-13-14: The Court is advised that an agreement was reached during mediation. Petitions to file a petition to close an estate with no assets.		
	Aff.Pub. Sp.Ntc. Pers.Serv. Conf.	X	Estate: Personal property: \$220,000.00 Probate Referee:	Examiner's Note: Nothing further has been filed. The estate has not been established. No one has been appointed as executor. Distribution is not appropriate. Petitioners have not explained why \$220,000.00 was alleged, but now there are no assets. Petitioners are not the only heirs and there		
>	Screen Letters Duties/Supp		Steven Diebert Note: If the petition is granted, status hearings	may be creditors. Petitioners may wish to seek legal advice from an attorney regarding the issues and notes noted below that remain: 1. Need Notice of Petition to Administer Estate (DE-121).		
	Objections Video Receipt		 will be set as follows: Thurs 9-4-14 at 9:00 a.m. in Department 	Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on: - Alvin Leon Cowin, Jr. - Kenneth Paul Cowin		
y	9202 Order		303, for the filing of the inventory and appraisal. • Thurs 9-3-15 at 9:00	Note: The two petitioners were directed to participate in mediation for the purpose of working together as coexecutors in accordance with the decedent's will. However, the mediation agreement filed 3-10-14 by Daniel Cowin appears to address distribution.		
			a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required	Please note: Distribution is not appropriate at this point. This hearing is for appointment of the co-executors only and distribution cannot be addressed until the estate has been inventoried and appraised, creditors are adequately provided for, and the estate is in a position to be closed according to applicable law. At that time, and upon further petition, the Court will order distribution pursuant to the will and applicable law.		
			documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be	Please also note: The other heirs were not party to the mediation and have not been noticed for any hearings. Whatever agreements were reached between the two petitioners regarding distribution may not be appropriate. The parties are strongly encouraged to seek legal advice from an attorney going forward.		
	Aff. Posting		required.	Reviewed by: skc		
	Status Rpt			Reviewed on: 6-24-14		
	UCCJEA			Updates:		
	Citation			Recommendation:		
	FTB Notice			File 21A – Galvan		
				21Δ		

Atty Cowin, Michael D. Atty Cowin, Daniel Ray

Order to Show Cause Re: Failure to Appear

	MICHAEL D. COWIN and DANIEL R. COWIN	NEEDS/PROBLEMS/COMMENTS:
	filed an Amended Petition for Probate of	
	Will and Letters Testamentary on 2-11-14.	
	=	
	At the continued hearing on 5-1-14, there	
A 66 G 1 14691	were no appearances and the Court set	
Aff.Sub.Wit.	this Order to Show Cause regarding	
Verified	failure to appear and ordered both Michael Cowin and Daniel Cowin to be	
Inventory	personally present.	
PTC	poisonally proson.	
Not.Cred.	The Order to Show Cause and a copy of	
Notice of	the Examiner Notes were mailed to	
Hrg	Michael Cowin and Daniel Cowin on	
Aff.Mail	5-16-14.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 6-24-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 21B - Galvan

21B

Eaves, Ralph (pro per – son/Petitioner)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 01/09/98		RALPH EAVES, son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		40 days since DOD. No other proceedings.	OFF CALENDAR Amended Petition filed 06/19/14 and set for hearing on 07/24/14	
○42- ✓	nt. from 032714, 414 Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail w/ Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order	Decedent will?? (See notes) Petitioner requests Court determination that decedent's interest in real property located on Lafayette Avenue in Fresno, CA pass to him pursuant to decedent's will? (see notes)	 The Petition indicates that the decedent had a will, however no copy of the will is attached to the petition and it does not appear that a will has been deposited with the Court. Need clarification as to whether the decedent had a will or died intestate. The Petition indicates that the decedent had a predeceased spouse; therefore the name and date of death of predeceased spouse must be listed in attachment 14. Further all heirs of the decedent including all children (even if they are now deceased, and if so their date of death must be stated) and grandchildren of the decedent. Note: The Petitioner states that he is the decedent's only surviving son. This seems to indicate that the decedent had other children besides Petitioner. All decedent's children even if they are deceased must be stated in attachment 14 to the Petition, their dates of death must also be stated. Need Notice of Hearing. Need Proof of service by mail of Notice of Hearing at least 15 days before the hearing to all persons who should be listed on attachment 14. 	
	Aff. Posting		Reviewed by: JF	
	Status Rpt	_	Reviewed on: 06/24/14	
	UCCJEA	Updates:		
	Citation	_	Recommendation:	
	FTB Notice		File 22 - Eaves	
	-		22	

Atty Lovejoy, Randy (Pro Per Petitioner)

Atty Price, Jennifer Marie (Pro Per Petitioner)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 5-23-12			RANDY LOVEJOY and JENNIFER MARIE		NEEDS/PROBLEMS/COMMENTS:	
			PRICE , Friends, are Petitioners.			
			40 days since DOD	1.	Need filing fee of \$435.00. This petition was filed with a fee waiver; however, because the	
	Aff.Sub.Wit.		No other proceedings		asset valued at \$70,000.00 is requested to be distributed to	
~	Verified		I&A: \$70,000.00		Petitioners. Therefore, the filing fee	
~	Inventory		Will dated 3-10-10 devises decedent's		is due prior to distribution.	
	PTC		entire estate to Petitioners.	2.	Petitioners do not state	
	Not.Cred.				Decedent's interest in the	
	Notice of Hrg		Petitioners request Court determination that Decedent's real property located		property. Did the decedent own a 100% interest in the property?	
	Aff.Mail		at 3992 E. Marcus in Friant, CA, passes			
	Aff.Pub.		to them, each as to an undivided one- half interest.	3.	Decedent's will is not self-proving.	
	Sp.Ntc.		nai interest.		The Court may require Proof of Subscribing Witness (DE-131)	
	Pers.Serv.				pursuant to Probate Code §8220.	
	Conf.				policiani le l'iosane code 30220.	
	Screen			4.	Need order (DE-315).	
	Letters				, ,	
	Duties/Supp					
	Objections					
	Video					
	Receipt					
	CI Report					
	9202					
	Order	Χ				
	Aff. Posting				eviewed by: skc	
	Status Rpt				eviewed on: 6-25-14	
<u> </u>	UCCJEA			_	odates:	
	Citation				ecommendation:	
	FTB Notice			File	e 23 - Talbot	
					23	